BET NOV THE GOVERNMENTS PRICEL STORE SAE MARCO.

Though the Frank Greek Part of Miral Monthsone - til Monthful Frank Wellindo Inned - til Morgare tallelled

The angent of the American Tobacco Company and the other defendance to the forcernment's suits under the Sharman ance-creat in w was filled concerning aftercoon in the United States Circuit Court by funios Parker, counsel for the American Tobacco Company

The flovernment togen its soits on July s it alleges contrains of tracte and seeks the tienslittion of the corporation. The original mit names as defendance the American Enhance Company, ingether with sixty: three other corporate defendants alleged to be in one way or another subsidiary corperations of the American Tobacco Company or associated with it in the conduct fire bourness, and thirty individual defend J. B Dike Thomas P Rvan, Anthony N Bracky, Benjamin N Duke Pierre Lorilland

and Peter A R Widener The answer admits that all the important allegations of the flovernment are true but argues that the deductions made by the Government attorneys are false. The answer gives a history of the company's growth, even going into the so-called secret agreements, and then seeks to show where the conclusions drawn by the Government are wrong. It says in part

It has not been a part of the policy of the American Tobucco tompany to diegone the ownership or use controlled companies to break down apposition and secure for it the henefit of public sentiment against Its managing officers have the other hand, believed that there is no advantage to any tobacco brand or inciness in concealing from the public the actual owner-Occasionally the American Tobacco Company has made an investment in the stock of a manufacturer of tobacco. leaving a part of the stock in the ownership f those actively in charge of the business

Sometimes, as in the case of the minority holders of the R. J. Reynolds Tobacco Comthese minority holders and managers of the business have preferred that the ownership of a part of their business by the Amer ican Tobacco Company should be known with the belief that it would stredgthen their business in public esteem, and in such cases it has been the policy of the American Tobacco Company to accode to the wishes of those who are to run the business in other instances it has been believed by those who were to run the business that it would be more successfully run by keeping from the public the fact that the American Tobacco Company owned a part of the stock, and it has been the policy of the American Tobacco ompany to accede in these instances also to the wishes of those who were to conduct the business and had a substantial investmen

Johacco Company and various other tobacco manufacturing companies is the same whether the American Tobacco Company owns all the stock, a part of the stock or none of the stock These various corporations, except those like blackwell's Durham Tobacco Company, which are in fact only branches of the American Tobacco Company, are conducted as separate corporations only for trade method or trademark purposes. They have their own leaf buying plants and their own selling organizations, and it would serve no profitable use to any one, but would be destructive of the tobacco business, to aitempt to eliminate or lessen competition. the competition between different similar brands of tobacco owned by the same manufacturer is just the same as if there were not

The American Tobacco Company denies that it started the United Cigar Stores Company, but it was finally induced to go into the business after it had been appealed to repeatedly for financial aid. Now it holds \$600,000 of the \$900,000 of com-Now it holds \$600,000 of the \$900,000 of common stock of the United Cigar Stores Company and all the preferred stock, \$750,000, and all the commany's bonds, \$2,850,000. The answer denies, however, that the trust seeks to hinder or obstruct the sale of tobacco products manufactured by others. On the contrary, it handles goods that consumers show a desire for, and the business is actually managed by George J. Whelan and his associates, who were the original owners of all the stock. In regard to the charges that many small

In regard to the charges that many small plants have been bought in and closed and eliminated by the American Tobacco Company for the purpose of destroying competition, the answer declares that so long as brands remain in existence competition cannot remain in existence competition cannot be destroyed, as competition in the tobacco trade is a matter of struggle between brands, not factories. The answer points out that none of the businesses or brands has been abandoned, but, on the contrary, all have been built up and the business has been increased. The answer says:

None of the business has been abandoned

None of the business has been abandoned From time to time, for the sake of economy or efficiency, or otherwise, the manufacture of various brands has been consolidated into some factory acquired by the American Tobacco Company, or new factories have been built. The statement that the American Tobacco Company, having acquired a plant, closed it, while in some cases true literally. is not true in the sense that the said American Tobacco Company acquired businesses for the purpose or with a view to stopping them. The truth is that no purchase has been made to get rid of the competition of the vendor, but brands, properties and businesses have been bought with a view to the present and ultimate profitableness of the particular brand, business or property

The answer proceeds to show that many concerns which the company has acquired are kept in active existence and remain under the control and management of their minority stockholders. Specific cases are cited, among them the R. A. Patterson Tobacco Company and the R. J. Reynolds Tobacco Company as examples of "specially active and severe competition." specially active and severe competition. In regard to the acquisition of the Amer-

In regard to the acquisition of the American Cigar Company, the answer asserts that the investment was made on a related but non-competitive business. The control of the American Snuff Company is denied.

The Government's charge of unfair trade methods is not only denied but the defendants maintain that they have abandoned even those methods "which might be called of doubtful propriety, though at present in use by other tobacco manufacturers, such as giving a dealer a special concession, in return for which he was not to handle competing goods."

to handle competing goods."

It is explained that the Amsterdam Supply Company, which buys everything from hardware to stationery for the various allied companies which own stock in it, is nothing more or less than a department store, buying at low cost because of large purchases.

purchases.

Dealing with those parts of the Government's complaint relating to the organization of the Consolidated Tobacco Company, the answer says in part:

The organization of the Consolidated To bacco Company was not at all for the purpose of destroying competition, injuring or re-straining interstate or foreign commerce, or to exclude others therefrom, or to acquir thereunder a monopoly; as a matter of fact there was in the nature of things only to a limited extent competition between the American Tobacco Company and Continental Tobacco Company as the American Tobacco's Company's business was in the manufacture of cigarettes, smoking lobacco and little igars, while the Continental Tobacco Company's business was principally the manufacture of chewing tobacco. The Consolidated Tobacco Company in making its offer made no threat or representation or recom-mendation, and considering the then earnings of the American Tobacco Company and Conti-nental Tobacco Company the offer was a fair

vestment rather than chance of large profits

It is true that the organization of the Consoli-dated Topacoo Company was profitable to the

organizers thereof, and so justified their judgment in making the large inventment of Minamon, but there was no accurate at the lime of such investment that it would be profitable, and the posts that has note has here in ON WINE ICONSTRUCTO

The access then goes just the instery of the food between the English company, the Imperial Tobacco Company and the temperate Tobacco Company which seems the two companies forming a contrast. The government of this con-

Those defendance must thus the effect of eats contract is not in metals torribe between companies and that they involved he purchase to the American fafer sany of the American livespees of the Imperial stractor Company and the projetimen of the temperat Tempera Company of the English matrices of the American Total on Company or nell as the trades topomess, and never the space, together with the fraction browness was of greater value than the tmertran from eas of the Imperial Tobacca Company, the Employed Tobarca Company paid for this Company and only their own American from fiut a accusi colecusari not exceeding per cent of the stock of the Imperial

Then these two concerns, each basing Snew fareign to hath England and Amer named the formation of the corporation Heltish American Company: which sequires hear two luminosees leaving story thorofor tract is not only such as would not be in one it is also valid under the laws of tireat fluttato react were carried on and contract was if it by its terms exclusively enforceable.

One of the interesting features of the answer is that William J. Wallace, De Lancey Nicoll and W. W. Fuller appear as counsel. Junius Parker is the counsel of record Associate counsel William J. Wallace until last May was the senior Judge of this Federal District and retired at that time having reached the age limit Judge Wallace reached the age limit. Judge Wallace announced at the time that he would engage in the practice of law in this city, and this is the first case in which his name has

DELAY IN INSURANCE TRIALS. Counsel Get Time to Prepare Arguments

-Dr. Gittette to He Tried on Oct. 17. The preliminary work of disposing of the indictments against insurance officials began yesterday in the Supreme Court Criminal Branch. The trial of Dr. Waiter R. Gillette, who was vice-president of the Mutual Life Insurance Company, was set for October 17. Ex-Judge Edward W Hatch, his counsel, made no objection to the date. Dr. Gillette was the only insurance official in court. He will be tried for perjury in swearing to a report to the State Superintendent of Insurance.

John D. Lindsay, counsel for John R. Hegeman, president of the Metropolitan Life, withdrew the plea of not guilty which had been made formally and said that Mr. Hegeman's lawyers wanted two or three weeks to prepare for an argument for the dismissal of the mindictments against Mr. Hegeman. Mr. Lindsay said that John G. Mitburn and De Lancey Nicoll, who also represent Mr. Hegeman, were very busy before the Public Service Commission. had been made formally and said that

Mr. Jerome vigorously opposed any delay. He said the lawyers in all the insurance cases had had four months to get ready and it was of great importance the cases should be brought to trial. the cases should be brought to trial. Jus-tice Dowling then announced that Mr. Hegeman's lawyers would have to be ready to make their argument on next Monday

Lewis Delafield appeared for George W. Perkins, who is indicted for forgery. He said he intended to move to quash the indictments and would make a long argument. Ex-Judge Cohen and John G. Milburn also will argue for Mr. Perkins on the subject, and Mr. Delafield said the three of them would take up a day. He asked for delay. Mr. Jerome made the same objection as in the Hegeman case and Mr. Delafield got until October 16. It was agreed that the argument for Charles S. Fair-child, president of the Security Trust Com-pany and a director of the New York Life. would be on similar grounds as in the case of Mr. Perkins, as they are both indicted on the same transaction; so that was set

for October 16 Howard S. Gans, who appeared for Rob-ert A. Granniss, vice-president of the Mutual ert A. Granniss, vice-president of the Mutual Life, will argue on next Monday for the dismissal of one indictment against Mr. Granniss. There are other indictments which Mr. Gans will argue on October 21.

The lawyers for the insurance men will make oral arguments. To economize time Mr. Jerome said he would not make oral argument in any of the cases, but would submit briefs in each.

The cases of Frederick A. Burnham, George Burnham, Jr., and George D. Eldridge, all of the Mutual Reserve, were not called. It was explained that there was no hurry about them, as one of the Burnhams—George—had been tried, convicted and got a new trial.

Child Labor Commission Incorporated. Supreme Court Justice Ford signed vesterday the certificate of incorporation of the New York Child Labor Commission. The commission aims "to promote the welfare of society with respect to the employment of children in gainful occupations; to assist in protecting children by suitable to assist in protecting children by suitable legislation against premature or otherwise injurious employment; to aid in promoting the enforcement of laws relating to child labor." The twenty directors of the commission include Dr. Felix Adler, Alfred J. Boulton, Pauline Goldmark, Robert Hunter, Dr. Ernst J. Lederle, Charles Sprague Smith and Mornay Williams.

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HERE'S A FOR OF THE STANDARD

V. V. LI BRIE STING OIL CO. WOY! *### ### # ## ### ####

Thought of flowgling a completely dell Thought of flowgling a completely dell White Thores Late Flores Hope."

Philip Harrison, heart of the spice Separtout of the New York forbetonting the Comany a concorn independent of the Standard continuous acoust the imputer that is prosecting in the Standard case hefore Referee Foreign by cofusing atmosprenty commented on cross-examination by Morita Busection of the Standard counset, is put in Resenthal's hands the private papers and original conreacts of his from the soul that all the mostly agen the Standard this Company's concessors was from to see the records of his tien, but that he didn't purpose to give the rival company an opportunity to get the legal information open his comconv a affaire

I coully wish you would give the Standand counsel the documents they require," urge! Prosecutor Kellogs, and Resenthal sharply saled why it was that though the wirness had promised the Government promentor to produce any document required he should refuse when counsel for the Standard company made such a re-

My reason is that I don't care to put in the hands of the Standard Oil Company any information which it could use to grind my concern down as it has in the past," said the "I will answer questions relative the internal business concerns of the empany which I represent on the advice of counsel only, and I wish to consult with ounsel before putting any of the firm's office papers in the hands of Standard Off

You know that you have been subporned here as a witness," said the Standard's awyer, rising.

Yes, and as a very unwilling witness, replied Harrison, "and I guess you'll have subprene me again.

In his direct examination Harrison had given the tonnage of his company's shipments of lubricants to Delagoa Bay to lustrate how they had fallen off since 1905 because of freight rates that discriminated against them and in favor of the Standard Oil Company. When Rosenthal asked him to give the business done before 1905 the witness declined to answer, and when spurred to give his reason came ou flatfootedly with his slap at the Standard His attorney, Girard Glenn, rose up from the side and tried to speak, but Referee Ferris supported Attorney Rosenthal's contention that a witness had no right to be advised in court by an attorney Rosenthal ran up against the determina-

tion of the witness at every turn and finally accepted Harrison's refusal with sarcastic grace. Then he got back at Harrison by trying to bring out through his admissions that Harrison had done all in his power to arm the Government with information of Standard Oil discrimination. Harrison said that some time in September last he went to Washington and swore before the chief of the Bureau of Corporations to an affidavit setting forth the facts about the discriminating freight rates that were being set by ocean carriers in favor of the Standard.

ocean carriers in favor of the Standard.

"Hadn't your lawyer directed you that under the act creating it the Bureau of Corporations had absolutely no power over oceanic freight rates?" queried Rosenthal. The witness said that he and his lawyer hoped to dig up a law to cover the case in Washington and if they could not the New York Lubricating Oil Company contemplated suing the Standard company for conspiracy. Mr Rosenthal asked the witness another question about what his lawyer conspiracy. Mr Rosenthal asked the wit-ness another question about what his lawyer did not know and Mr. Kellogg was on his

This counsel knows that he has no righ to question this witness about what he and his lawyer said together," Mr. Kellogg said, and Rosenthal started to interrupt "Take your chair, sir, while I am making objection," said Kellogg in a tone which was new to his lips, and Rosenthal sat down. Attorney Milburn, chief of the Standard counsel and the one whose face had been consistently bearing down.

Standard counsel and the one whose face had been consistently beaming during the two weeks course of the inquiry, suddenly looked up and seemed about to come back with a sharp rejoinder. Harrison himself straightened things out with an answer that made every one laugh.

"The head of the Bureau of Corporations said that while there was life there was hope," said he in reply to a question as to just what he had learned at Washington as to the power of that office to remedy ocean freight rate discriminations. Herbert Knox Smith is head of the Bureau of Corporations.

BOY SWINDLERS IN JAIL.

They Planned a Coup Off Simple Canadians. but Were Careless About the Details.

Ogden W. Coffin, an eighteen-year-old choolboy in attendance upon the Horace Mann School, and Lucien Mesmin, two years his senior and a clerk in his father's wool importing firm of George Mesmin & Co., 1 Greene street, were arrested by Central Office detectives yesterday, charged with participation in a simple get rich quick scheme. The two boys had an office at 608 Sixth avenue, and the detectives found that they had been conducting their operations under the assumed name of "Leonard B. Drummond, attorney.

Police Headquarters had been receiving complaints from Canada from various people there who said that they had been getting letters from a man giving this name and address, the purport of which was that relatives living in this city and owning shares of Canadian Pacific stock had died, bequeathing their stock to the selected Canucks. These letters stated that if \$5 attorney's fees were sent to Leonard B. Drummond the shares of stock would be forwarded according to the be-

The detectives kept an eye on the office at 60% Sixth avenue and saw the two boys passing in and out. Yesterday afternoon they followed young Coffin, whose home is at 412 Amsterdam avenue, and arrested him on his way home from school. He had his school books under his arm. Mesmin was arrested part and both lada were taken was arrested next and both lads were taken

Headquarters.
There Coffin confessed. He said that his

There Coffin confessed. He said that his mother, a widow, was in straitened circumstances and that she did not have enough money to send him through college. He wanted very much to enter college, and when his friend Mesmin offered a scheme for getting money easily he embraced it without thinking of the consequences.

Coffin said he was camping in New Hampshire last summer when he received letters from Mesmin telling him of his scheme for extracting \$5 apiece from unsuspecting Canadians. He gave up his vacation and came down to go into business with his enterprising companion.

Mesmin's scheme was to get the addresses of several Canadians that could be found in a newspaper almanac and write them about the legacies. They went ahead and hired the office on Sixth avenue and began to write. When they had a number of such letters written Mesmin took the train to a Canadian point and mailed them there, having an eye to the evasion of the United States laws on fraudulent use of the mails. People in Canada receiving the letters with a New York date line and the Canadian postmark were suspicious and began to forward their letters to Police Headquarters here.

Both boys are charged with doing business

Both boys are charged with doing business under an assumed name without registering the same and with representing themselves

the same and with representing themselves as attorneys.

Mesmin's father was recently made the defendant in a suit brought in the United States District Court here under order of the Treasury Department for the recovery of the entire value of large importations of woollen goods upon which, it was charged, his firm had made undervaluations.

M. H. DODGE ACOLUMBIATRUSTER Tours - Many title Assessment

Macottus Harriey Durige, a graviuse of Columbia in the class of '16, was elected member of the board of trustees of Countita University yesterday afternoon to fill the vacancy caused by the death last mering of the late fire tionego to When tgo; who is only 16 years old, is the roungest man who has ever heavy elected

to the finard. He is a grandent of the lars Viscontine Morting The revenue incomment the following

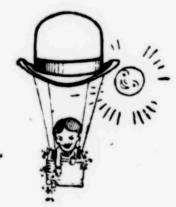
From the Corman Emparte a regit of is its ingo actition of the works of Fractrick the Cross from the Promise Sinistry of Princeton, a estuable collection of worse on art from Bernard M. Barnet, Scow for the hydrotheracounty decartment of the Vandagt its Clinic from an amongmous donor. It was for the department of anatomy. from M Taylor Pyne. 78 \$1 cm for the law select library; from Mrs. Longs R Med tymonets. Since for the support of school against in Colombia College in memory of her husband from Batherford Suppose again, class of 63. Since for the department of agreement, class of 63. Since for the department of agreement, from Mrs. Clearge C. Wheelte, \$5.000 as a fund in memory of her late husband, the memory to be applied to the benefit of the department of physical professors. Fortal gifts in money, \$13.500.

From Robert F. Wher and Charles Mediterray was made emeriting professors.

From Robert F. Wher and Charles McBisches were made emerical profession of surgery Prof. Arthur Levejoy of Washington University. St. Louis. Mo. was appointed to give instruction in the department of philosophy. George F. Fisher, who for forty-three years as bursar of the iniversity as handled all the money paid by Columbia students as ruition fees, was retired, and Charles S. Danielson was appointed as his successor. Mr. Fisher was appointed bursar in 1984.

INDUING AT ST. LUKES to to Reputed Delay in Taking the Cat-

Because of the published accounts of the telay said to have occurred Sunday at St. Luke's Hospital when admission was sough for William F. Coxford, who subsequently died, and for his wife, who was seriously injured with him in a runaway accident the hospital authorities published vesterday statements of the various house officials who assisted in receiving the injured people. According to these statements the doorman, hospital clerk, telephone operator and head nurse all agree that it was not five minutes after the arrival of Mr. and Mrs. Coxford before they were undressed and under physicians' care. From the statements of Arthur Meinhardt, the telephone switchboard operator, it appears that act-ing on the orders of the head clerk he rang up the porters and told them to meet the ambulance at the Plant Pavilion entrance. Two minutes later some one telephoned from the ambulance asking why they had not arrived and he went himself and found that they had started.



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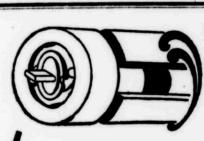
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